

CCRB CASE CLOSING FORM

Investigator assigned: Pichardo		Team: 8	CCRB#: 9602715	FADO: F, D
Date of incident: 6/12/96	Time of incident: 1940 hrs	Location of incident: 172 nd Street and Macombs Road, Bronx	Pct. of occurrence: 044 Pct.	Date SOL expires: 12/12/97
Date reported: 6/15/96	Time reported: 1610 hrs	To whom/where/how reported: Complaint filed in person at the 044 Pct. Sgt. Sorensen of the 044 called the complaint in to CCRB.		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s):				
Witness(es): Eustacio Del Rosario				
Subject officer(s) (include rank): PO John Robert PO Paul Pizzuta SGT Paul DeEntremont		Shield: 82139 26262 852	Tax: 895918 902212 892944	Command: Street Crime Unit Street Crime Unit Street Crime Unit
Witness officer(s) (include rank): PO Wilbert Morales		1088	895757	Street Crime Unit
Allegation(s) by letter:			Recommendation(s):	
A. SGT DeEntremont used excessive force when he grabbed § 87(2)(b) by his wrist.			A. § 87(2)(g)	
B. PO Robert was discourteous when he called § 87(2)(b) a "smart ass."			B. § 87(2)(g)	
C. PO Pizzuta used excessive force when he placed § 87(2)(b) in a choke hold.			C. § 87(2)(g)	
D. PO Pizzuta used excessive force when he pushed § 87(2)(b) to the ground.			D. § 87(2)(g)	
§ 87(4-b) § 87(2)(g)				

ENCL. 1c

Summary

On June 12, 1996 § 87(2)(b) telephoned the § 87(2)(b) of the Bronx and requested that driver number § 87(2)(b), pick him up at his former residence at § 87(2)(b) in the Bronx. At approximately 1940 hours, § 87(2)(b) picked up § 87(2)(b) and drove him to § 87(2)(b), also in the Bronx. § 87(2)(b) entered the building at this address to pick up some money that was owed to him by a friend named § 87(2)(b). When § 87(2)(b) exited the building, he instructed § 87(2)(b) to drive to Massiel Sweet Corner, a bodega located at the corner of 172nd Street and Macombs Road. § 87(2)(b) then walked down the street to this location. When § 87(2)(b) arrived at the bodega, he observed five civilians standing outside the store. § 87(2)(b) did not observe any police officers at this time. § 87(2)(b)'s taxi was parallel parked along the sidewalk in front of the bodega. The passenger side of the taxi was closest to the store entrance. § 87(2)(b) reported that he entered the store and bought two "Win for Life" tickets and Halls Cough Drops.

PO Pizzuta, PO Morales, PO Robert, and Sgt. DeEntremont of the Street Crime Unit were assigned to cover the 044 and 046 precinct on this date. The four officers were assigned to RMP number 8724, a 1989 grey Oldsmobile, license plate number § 87(2)(e). This was PO Pizzuta's first tour with the Street Crime Unit.

§ 87(2)(g)

According to § 87(2)(b), when exited Massiel Sweet Corner, four police officers stopped him right outside the door to the bodega. § 87(2)(b) reported that the officers surrounded him, took out their shields, and identified themselves as police officers. PO Robert, who was standing directly in front of § 87(2)(b), then asked § 87(2)(b) where he was coming from. § 87(2)(b) responded that he had just come from the store. PO Robert told § 87(2)(b) that he was being a "smart ass." § 87(2)(b) replied that he was not being a "smart ass," and reiterated that he was indeed coming from inside the store. PO Robert asked § 87(2)(b) where he had come from prior to entering the store and § 87(2)(b) responded that he had come from a friend's apartment. PO Robert then asked § 87(2)(b) if he was "on the job." § 87(2)(b) interpreted this question to mean whether or not he was a police officer, and responded no. PO Robert asked § 87(2)(b) if he was carrying a weapon, and again, § 87(2)(b) responded negatively.

§ 87(2)(b) reported that during this time, Sgt. DeEntremont grabbed his wrist and held him, despite the fact that he was being compliant with the officers and speaking in an even tone of voice. PO Robert then asked § 87(2)(b) if the officers could search him. § 87(2)(b) inquired on what grounds the officers wanted to search him, but PO Robert did not answer, and instead, repeated the request. § 87(2)(b) reported that he did not want any problems and so he consented to the search. PO Morales then frisked and searched § 87(2)(b) quickly. No weapons or contraband were recovered.

According to § 87(2)(b), PO Pizzuta then suddenly placed him in a choke hold. § 87(2)(b) explained that PO Pizzuta pressed against § 87(2)(b) from behind and brought his left arm across § 87(2)(b)'s throat, holding it in place with his other hand. § 87(2)(b) stated that PO Pizzuta inadvertently hit § 87(2)(b) in the mouth while he was placing § 87(2)(b) into this choke hold position, causing § 87(2)(b)'s mouth to bleed. § 87(2)(b) stated that his mouth bled so rapidly because he had prior problems with his mouth and gums.

§ 87(2)(b) reported that after PO Pizzuta held him in a choke hold for a few moments, a call came over the police radio. PO Robert told PO Pizzuta, "Let him go!" several times and PO Pizzuta threw § 87(2)(b) to the ground. One of the officers then apologized to § 87(2)(b). The four officers got into their grey four door Oldsmobile and drove away.

§ 87(2)(b) reported that during the incident, a crowd of approximately fifteen to twenty people had gathered on the sidewalk near him and the officers. When the police officers left, one of these bystanders handed § 87(2)(b) a piece of paper with the license plate number for the unmarked vehicle.

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driven by the four officers. When § 87(2)(b) filed his CCRB complaint at the 044 command, he reported that this license plate number was § 87(2)(e) (see enclosure 4a, reverse side). However, when this complaint was called in to CCRB by Sgt. Sorensen, the sergeant was unable to determine whether the license plate digit § was indeed a § or a §. Administrative Investigator Mullen listed the license plate number on the UF-245 scratch pad as § 87(2)(e) (see enclosure 5b).

§ 87(2)(b) stated that he entered the taxi again and instructed § 87(2)(b) to drive him to the 044 station house. When they arrived, § 87(2)(b) entered the station house and obtained a Civilian Complaint Report. § 87(2)(b) then drove § 87(2)(b) back to his former residence on § 87(2)(b).

According to all four officers, this incident did not occur. The officers stated that they did not conduct a stop at this location on the date of the incident, although they were familiar with this area. The officers all noted in their memo books that they began patrol at 1800 hours. The following entry in the memo books of these officers is that of an arrest at 0030 hours at a different location. Sgt. DeEntremont could not recall what he and his officers were doing at 1940 hours during this specific tour. All of the officers stated that if such a stop had occurred, then a UF-250 would have been filled out and filed with the 044 command to document the incident, however, there was no such documentation filed at this command.

§ 87(2)(b) was not arrested nor was he issued any summons. Mr. Hall received medical treatment at § 87(2)(b) in the Bronx on § 87(2)(b). § 87(2)(b) complained of neck and throat pain and difficulty swallowing, conditions resulting from a confrontation with police officers. § 87(2)(b) stated that he had been held by his neck. The attending physician noted that § 87(2)(b) had a tender neck and § 87(2)(b) was diagnosed with a sore neck. § 87(2)(b) was prescribed Motrin and bed rest if he experienced shortness of breath.

§ 87(2)(b) filed this complaint at the 044 command on June 15, 1996. This complaint was called in to CCRB on this same date by Sgt. Sorensen.

Analysis

There was no radio run for this incident nor was there a UF-250 Stop and Frisk Report filed at the 044 precinct (see enclosures 37 and 36). Because of this lack of documentation, the subject and witness officers involved in this case were identified through the physical descriptions, and vehicular information, and photo array identification processes. § 87(2)(b) described the vehicle operated by the officers as an older model four door grey Oldsmobile (see enclosure 6b). § 87(2)(b) reported that he was given the license plate number — § 87(2)(e) — by one of the unidentified witnesses to this incident (see enclosure 9b). § 87(2)(b) reported that he observed the first few digits of the license plate, but was unable to obtain the complete information without the assistance of this bystander. Mr. Hall did not know the witness who gave him this information nor was he able to identify the person after the incident, despite several trips to the location of the incident.

The vehicle assignment sheet from Bronx Task Force for the date in question indicates that the only unmarked vehicle vaguely fitting the description provided by § 87(2)(b) is a 1994 grey Chevy (see enclosure 32). However, the license plate for this vehicle is § 87(2)(e). § 87(2)(g)

(see enclosure 38). The vehicle assignment sheet for the Street Crime Unit, however, indicates that a 1989 grey Oldsmobile with license plate § 87(2)(e) was used on the date of the incident (see enclosure 34). Although there is a slight discrepancy between the license plate number provided by § 87(2)(b) and that

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of this vehicle, there appears to be an overall correspondence in make, color, year, and the majority of the license plate digits. The roll call for the Street Crime Unit for this date indicates that Sgt. DeEntremont, PO Robert, PO Morales, and PO Pizzuta were assigned to this vehicle, RMP § 87(2)(e) for patrol in the 044 and 046 precincts. PO Morales and PO Robert confirmed during their interviews that they were assigned to this vehicle and worked with PO Pizzuta and Sgt. DeEntremont on the date of the incident. However, PO Pizzuta stated that he was assigned to a green Eagle Vision, RMP § 87(2)(e). Likewise, Sgt. DeEntremont stated that he was assigned to a green Eagle, RMP § 87(2)(e). Neither a green Eagle automobile nor these RMP numbers appear on the vehicle assignment sheet for the Street Crime Unit for the date in question (see enclosure 34).

These four officers fit the physical descriptions provided by § 87(2)(b). There is a slight discrepancy in that § 87(2)(b) believed that PO Robert was the sergeant on the scene because he observed a gold shield worn by this officer. Yet, the general descriptions and the vehicular information provided were sufficient to identify these four officers were as the subject and witness officers for this case.

Photo arrays were requested and received for all four officers. § 87(2)(b) viewed the photo arrays and was unable to identify any officer from the arrays for Sgt. DeEntremont and PO Morales (see enclosure 9b). However, § 87(2)(b) identified PO Pizzuta from his photo array as the officer who placed him in a choke hold (see enclosure 14). § 87(2)(b) also identified PO Robert from his photo array as the officer who directed the questioning while he was stopped (see enclosure 13). § 87(2)(b) stated that he was frisked and searched by the other hispanic officer. § 87(2)(g)

Likewise, § 87(2)(b) did not identify Sgt. DeEntremont from the photo array, however, he stated that the other white officer grabbed his wrist, and again, Sgt. DeEntremont is the only other white officer. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(b) corroborated that fact that he picked up § 87(2)(b) and took him to the bodega located at the intersection of 172nd Street and Macombs Road after making one stop. § 87(2)(b) further stated that he observed plainclothes police officers surround § 87(2)(b) and speak with him briefly. According to § 87(2)(b), an officer fitting the description of PO Pizzuta then grabbed § 87(2)(b) from behind and placed him in a choke hold. After § 87(2)(b) began to spit and bleed from his mouth, the officers let him go and left the location (see enclosure 17b). § 87(2)(b), however, was unsure about the officers displayed in the photo arrays and was not able to pick out any officer with certainty.

§ 87(2)(g) § 87(2)(b) had picked up § 87(2)(b) on one occasion prior to this incident and a few additional times following the incident.
§ 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) indicated that there were additional witnesses to the incident. § 87(2)(b) provided the telephone number for § 87(2)(b) § 87(2)(b), who was working on the night of the incident (see enclosure 48c). § 87(2)(b) was contacted via telephone and stated that he heard people outside his store yelling, "Let him go!", however, § 87(2)(b) § 87(2)(b) did not see the incident occur § 87(2)(b) (see enclosure 48c).

This investigator conducted a field trip to the location the incident and canvasses the bodega and

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adjacent stores. This trip yielded largely negative results due to the lack of cooperation of potential witnesses. The majority of persons contacted at this location refused to provide their names or supplied false names. Everyone denied having witnessed the incident. Some persons stated that they were not in the area at 1940 hours, the time at which the incident is alleged to have occurred. Others simply stated that they had no knowledge of the incident. One male in Massiel Sweet Corner stated that he had heard of the incident and another stated that he was inside the store when the incident occurred, but he could not see the actual events. Due to the fact that the second male refused to provide his name, it is not clear if this individual was § 87(2)(b), who provided a similar statement. A male inside the barber shop next to Massiel Sweet Corner, whose store front is made of clear glass, stated that if he had witnessed the incident, he wouldn't want to become involved in any type of investigation. § 87(2)(g)

At the same time as the field trip was conducted, an unmarked police car with two plainclothes officers drove by the stores slowly, observing the field trip activity. § 87(2)(g)

PO Pizzuta, PO Morales, PO Robert, and Sgt. DeEntremont denied that this incident occurred, § 87(2)(g). These officers were identified as being at the location of the incident from the descriptive and vehicular information provided by § 87(2)(b) and § 87(2)(b). Moreover, PO Pizzuta and PO Robert were identified by § 87(2)(b) a photo array identification process. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Investigator: [Signature]

Date: 6-24-97

Supervisor: B. Linkowski

Date: 6-24-97

Reviewed by: _____

Date: _____

Reviewed by: _____

Date: _____

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